

SECTION B: REMARKS

This Amendment is responsive to the Final Office Action dated June 12, 2003. Claims 10-18 and 23-32 are pending in this case. A Request For A Continued Examination (RCE) and appropriate fee are filed concurrently, herewith. Please charge any deficit or credit any overpayment to our Deposit Account No. 01-1960.

Claims 30-32 have been restricted and are withdrawn from consideration as being directed to a non-elected invention. Claims 10-18 and 23-29 are rejected under 35 U.S. C. 102(e) as being anticipated by Lee, US Pat. App. 2002/0001854 A1 (hereinafter "Lee").

INTERVIEW

Applicant's attorneys would initially like to thank the Examiner for granting the interview of 13 August, 2003, and anticipating favorable disposition of allowable subject matter. An Interview Summary of record is submitted concurrently herewith in accordance with 37 CFR §1.133(b).

ELECTION

Applicant has canceled Claims 30-32 without prejudice.

CLAIM REJECTIONS - CLAIMS 10-18 & 23-29 - § 102

Claims 10-18 and 23-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lee. Of the rejected claims, Claims 10 and 23 are independent.

Applicant's claimed apparatus and method are directed to testing for the presence of both drugs of abuse and adulterants in a bodily fluid with a single device. Importantly, the drug test region and adulterant test region of the presently claimed invention in a preferred embodiment are separate and compartmentalized.

As discussed with the Examiner in the Interview, Lee discloses an integrity determinant (adulterant) pad 300 that is attached to carrier membrane 303. The carrier membrane 303 serves to absorb the liquid and carry it to the various components attached thereto. One drawback with Lee, however, is that the test strip 105A is coupled to the same carrier membrane 303 that directs fluid to the integrity determinant pad 300.

In accordance with amendments proposed in the Interview, Applicant has amended independent Claim 10 to recite that the drug test strip is disposed within a separated compartment than that of the adulterant test strip. As shown in a preferred embodiment illustrated in Figure 1, the adulterant test strips 52 are in a separate compartment with respect to the drug test strips 26. Additionally, unlike Lee, Applicant's adulterant test strips and the drug test strips are not coupled to any common membrane. Fluid communication is completely prevented between the adulterant test strips and the drug test strips.

Applicant has also amended independent Claim 23 to recite a negative limitation that includes a drug test strip and an adulterant test strip that are not coupled to a common membrane. Lee's integrity determinant pad 300 and the drug test strip 105A are both coupled to the same carrier membrane 303 that absorbs and directs the fluid.

For the reasons set forth above, Applicant respectfully submits that independent Claims 10 and 23 are allowable over the cited references. Applicant further submits that dependent Claims 11-18 and 24-29 are allowable at least by virtue of their dependency from allowable Claims 10 and 23, for the further patentable features recited therein, and for any grounds as may be recognized by the Examiner.

SUMMARY

Based on the above amendments and accompanying remarks, Applicant respectfully submits that all pending claims are in condition for allowance and requests a Notice of Allowance. Applicant encourages the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

Certificate of Mailing

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By: Angela Williams

Signature

Respectfully submitted,



Vic Y. Lin

Registration No. 43,754

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Docket No. BRA4.PAU.02

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Raphael C. Wong

Serial No.: 09/810,783

Filed: March 16, 2001

For: COMBINATION DRUG TEST AND
ADULTERANT TEST DEVICE

Examiner: Bao-Thy L. Nguyen

Group Art Unit: 1641

Irvine, California

September 10, 2003

INTERVIEW SUMMARY UNDER 37 CFR §1.133

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please enter the following INTERVIEW SUMMARY of record
according to 37 CFR §1.133(b), MPEP §713.04.

PARTICIPANTS

1. Examiner Bao-Thy L. Nguyen
2. Applicant's Representatives: Vic Y. Lin, Reg. No. 43,754; Timothy W. Fitzwilliam, Reg. No. 46,439.

DATE AND TYPE OF INTERVIEW: 13 August 2003, Telephonic

CLAIMS DISCUSSED: 10.

IDENTIFICATION OF THE PRIOR ART DISCUSSED: Lee, US Patent
Application No. 2002/0001854 A1

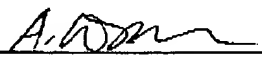
AN AGREEMENT WITH RESPECT TO THE CLAIMS WAS REACHED.

NO EXHIBITS SHOWN OR DEMONSTRATIONS MADE

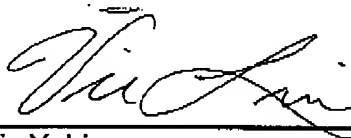
SUBSTANTIVE SUMMARY

The focus of the interview was on independent Claim 10 and the physical relationship between the adulterant test strip and the drug test strip. First, the presently claimed invention recites "drug test strip disposed in the second region and detached from the adulterant test strip." The parties also discussed the meaning of "detached." Both the Examiner and the Applicant's representatives agree that the prior art teaches a drug test strip and an adulterant test strip disposed on a common membrane and having fluid barrier. The Examiner therefore contends that the prior art teaches "detached" drug and adulterant test strips. Applicant's representatives contend that the prior art fails to prevent leaching (fluid communication) between the drug and adulterant test strips, even in the presence of a fluid barrier. Further, the present invention is novel in that the drug and adulterant test strips are compartmentalized so that fluid communication between the two is impossible. Also not disclosed in the prior art, however stated in negative terms, the drug and adulterant test strips of the present invention are not disposed on a common membrane.

Examiner suggested claim language containing "separate compartments" and "fluidly separated" would overcome the cited art. Applicant's representatives also proposed an additional negative limitation: "wherein the drug and adulterant test strips are not disposed on a common membrane." Examiner indicated that this limitation may lead to allowable subject matter.

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Respectfully submitted,



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